

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DONALD H. BROWN,

Plaintiff,

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. et al.,

Defendants.

Civ. Act. No. 1:12-cv-00215-M-LDA

DEFENDANTS' MOTION TO STAY

On March 31, 2014, defendants Mortgage Electronic Registration Systems, Inc. and Countrywide Home Loans, Inc. ("Defendants") requested that the Court dismiss this lawsuit in light of its decision in *Clark v. MERS*, No. 1:12-cv-00802-M-LDA (Mar. 27, 2014). There, the Court dismissed a complaint making the same factual allegations and legal claims as this one for failure to state cognizable claims for relief under Rhode Island law. Letter, *In re: Mortgage Foreclosure Cases*, Misc. No. 11-mc-88-M-LDA (Mar. 31, 2014) ("March 31 Letter") (attached as Exhibit 1).

Pursuant to Fed. R. Civ. P. 7 and Local Civ. R. 7, Defendants accordingly respectfully request that the Court stay all proceedings in this matter under after it rules on Defendants' dismissal request. In support of their Motion, Defendants state as follows:

1. Plaintiff filed this action on March 23, 2012. It was filed by the same attorneys who filed *Clark* and makes the same allegations and claims as the plaintiffs in *Clark*.
2. Defendants moved to dismiss the complaint on February 18, 2014 (ECF No. 14), on substantially the same legal grounds on which the Court dismissed the claims in *Clark*.
3. On March 31, 2014, Defendants and others submitted a letter asking the Court to dismiss this case and other lawsuits based on its decision in *Clark* because this lawsuit (and the

other cases referenced in the letter) makes the same factual allegations and legal claims which the Court held failed to state cognizable claims for relief in *Clark*. March 31 Letter.

4. If the Court agrees that *Clark* mandates dismissal of this lawsuit, there will be no need for further proceedings in this case. Accordingly, entering a stay of all proceedings in this case is appropriate because it will save scarce judicial resources and the resources of the parties as well. *See, e.g., Weyerhaeuser Timber Co. v. Bostitch, Inc.*, 178 F. Supp. 757, 762 (D.R.I. 1959); *Seguin v. Textron*, 2013 WL 5970745, at *3-*4 (D.R.I. Nov. 8, 2013).

WHEREFORE, Defendants respectfully request that the Court grant their motion and stay all proceedings in this lawsuit until it rules on Defendants' request to dismiss this case set forth in their March 31 Letter.

Respectfully submitted,

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. and
COUNTRYWIDE HOME LOANS, INC.

By their attorney,

/s/ Harris K. Weiner

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Dated: April 1, 2014

CERTIFICATE OF SERVICE

I, Harris K. Weiner, hereby certify that on April 1, 2014, a true copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Harris K. Weiner

Harris K. Weiner